



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 UNITED STATES OF AMERICA, :
 :
 -v- : 18-CR-442 (AJN)
 :
 MIGUEL ZUBIATE, :
 : ORDER
 :
 Defendant. :
 :
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ALISON J. NATHAN, United States District Judge:

On December 2, 2020, the Court ordered that the Defendant's reply to the Government's opposition was due on December 18, 2020. *See* Dkt. No. 131. As of the date of this Order, defense counsel has not filed a reply to the Government's opposition. IT IS ORDERED that any such reply must be filed within one week of this Order.

Furthermore, on January 13, 2021, the Court received by regular mail a letter from Defendant Miguel Zubiate responding to the Government's opposition to his renewed motion for compassionate release. Because Mr. Zubiate is now represented by counsel, *see* Dkt. No. 129, all filings and communications with the Court must come through counsel. "A defendant has a right either to counsel or to proceed *pro se* . . . but has no right to 'hybrid' representation, in which he is represented by counsel from time to time, but may slip into *pro se* mode for selected presentations." *United States v. Rivernider*, 828 F.3d 91, 108 (2d Cir. 2016). The decision whether to allow a counseled defendant to make a *pro se* application is committed to the discretion of the Court. *See id.* at 108 n.5 ("[Defendant] did not have a right to insist that the district court hear his application. [Defendant] was not denied the assistance of counsel; rather, he was permitted to make a *pro se* application that he need not have been allowed to make."). A

copy of Mr. Zubiate's letter has been forwarded to his counsel, and the letter has been filed under seal.

SO ORDERED.

Dated: January 14, 2021
New York, New York



ALISON J. NATHAN
United States District Judge